

DraftNotApproved

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

**March 4, 2008
Quarterly Meeting Minutes**

**Tuckahoe Public Library
Richmond's West End TU Meeting Room
1901 Starling Drive
Richmond, VA 2322-4607**

DraftNotApproved

Call to Order

Dennis VanDuzee, Chairman, called the meeting to order at approximately 10:00 a.m.

Attendees

Dennis VanDuzee, Chairman; Christopher DiMartino, Vice-Chairman; Thomas Turner, Secretary; Carl D. Armstrong; Paul Ellis; Kevin Hodges; Joseph Maslanka; Harry Merchant.

Absent

Charles Ciccotti, notified the Chairman and the Board in advance

Brent Fortner, notified the Chairman and the Board in advance

Seth Oginz, notified the Chairman and the Board in advance

Charles Tobin, notified the Chairman and the Board in advance

Deputy Chief James A. Cervera, did not notify in advance

Approval of Agenda

Chairman Dennis VanDuzee asked that the Agenda be amended to remove Legislative Committee and Conference Committee under Committee Reports. Christopher DiMartino moved to approve the amended agenda. Paul Ellis seconded the motion. Motion carried.

Approval of Minutes

Carl Armstrong made a motion to approve the minutes for the PSSAB Meeting from December 10, 2007. Harry Merchant seconded the motion and the motion carried.

Committee Reports

Training Committee

Committee Chair - Harry Merchant

Meeting: February 28, 2008 at Omniplex.

The following comments and suggestions were reported from the committee meeting by Mr. Merchant:

- Request to increase the mandated training requirements for registration categories – and for DCJS to be more specific on training content such as the 01E documentation section.
- Request that standards be raised for instructors, especially firearm instructors – advised this is going to be addressed in the new regulations.
- Request that DCJS make training more in line with DC and FPS (federal) training for security officers
- Request for Advanced Handgun and Shotgun classes to be expanded to improve the quality of the officers.
- Request that DCJS change private investigator classes to mandate more advanced training
- Video Interface training – Kim Buckner advised guidelines already out for this type of training.
- Request that DCJS regulate or register Process Servers – advised this must be taken up by the legislature – not a function of the Board or DCJS.
- Private Investigators practical's – advised that four practical exercises are already required and should be addressed with the school.

DraftNotApproved

- Requirements for Combat loading training Patrol Rifle – advised to wait for new regulations.
- Failure to qualify firearm verification – advised that DCJS would consider seeking Attorney General's Office opinion.

Board Discussion

Paul Ellis stated that the regulatory committee should review mental health screening and also stated that Karl Dear (certified instructor) had requested increased training.

Mr. Merchant advised we might want to investigate requiring a Lautenberg statement to protect companies and the Department against family violence from armed security officers.

Mr. VanDuzee asked about clarification on the failure to qualify for firearms endorsement notification issue.

There is currently no reporting requirement in the regulations for schools to report these failures. The Agency provided a draft form to the Board for review that provides for voluntary reporting and notification of failure to qualify. The schools could give the form to the individual and DCJS advising them they cannot carry a firearm until they have successfully qualified.

Kim Buckner stated the purpose of the form is protection for the training schools and the employers from liability and ensure public safety. Mr. Merchant stated that the issue should also be addressed under the new regulations. Thomas Turner commented that clarification needs to be given on when the qualification ends for firearms – at expiration of card or new successful qualification. Ms. McGee stated the need to consider the impact of the failure to qualify on the linking of the firearms endorsement card to the security officer card.

Mr. Merchant stated the next meeting will be held be in mid May 2008.

Regulatory Committee

Committee Chair: Thomas Turner

Meeting: February 27, 2008

Mr. Turner reviewed the minutes from the Regulatory Committee Meeting. (Attached)

Board Discussion:

Carl Armstrong advised the Bail Bondsman and the Bail Enforcement agent's qualifications should mirror each other since most Bail Bondsman act as Bail Enforcement agents as well. This would require a change to the statutory code.

DCJS Report

Lisa McGee, Private Security Services Section Chief provided the report.

Legislative Update:

House Bill 866 amended 9.1-185.84 relating to the Department of Criminal Justice Services and the regulation of Bail Bondsmen. This bill would allow a spouse or person living in the same household as the enumerated persons to be a licensed bail bondsman, if the enumerated person is

DraftNotApproved

not a sworn officer or has no responsibility involving direct contact with inmates concerning bail issues. This bill passed the House 97-0 and passed the Senate 37-2.

Carl Armstrong stated the bondsman associations opposed the bill because it is too open and can give a conflict of interest. DCJS will have to research what access the person may have in the jail. Lisa McGee advised that magistrates could be a spouse of a bail bondsman. Carl Armstrong stated that it may not include a clerk of the court as well. They advised that the magistrate bill would need to be monitored and new code may need to be put forth next year.

House Bill 462 amends and introduces a regulatory scheme for locksmiths. This bill amends and reenacts 9.1-138, 9.1-139, 9.1-140, and 9.1-143 of the Code of Virginia by adding a section number 9.1-140.1 relating to the Department of Criminal Justice Services; licensing of locksmiths. This bill passed the House 72-16 and passed the Senate 37-2. The request was made to include a delayed enactment clause with a date of October 1, 2008. Emergency regulations would need to be in place by July 2008 to provide ample time for the locksmiths to apply for licensure/registration by the October enactment date. Prior to training standards being enacted a committee of locksmiths needs to be established. Members of the locksmith industry requested to be regulated by DCJS.

Thomas Turner asked about a fiscal impact statement for this bill. According to the fiscal impact statement there are no general funds that will be utilized for the program but will be specially funded by the application fees. DCJS has requested 2 new positions to support this program. The numbers for locksmiths are expected to be 483 businesses and approximately 1500 registrants.

Carl Armstrong asked if at any time DCJS was asked to review or comment on the magistrate bills. Ms. McGee responded no.

Regulatory Update:

Regulations Relating to Property and Surety Bail Bondsmen: The Criminal Justice Services Board adopted the Regulations relating to Property and Surety Bail Bondsmen as proposed on June 8, 2007. These regulations have been approved by the Attorney General's Office, the Department of Planning and Budget, and the Office of the Secretary of Public Safety. The Governor's Office requested a few technical amendments which were made and forwarded back to the Governor's Office. The regulations are pending final approval by the Governor.

Regulations Relating to Bail Enforcement Agents: The proposed Bail Enforcement regulations have been certified by the Attorney General's Office and recommended by the Department of Planning and Budget with reservations. The concerns were in reference to training standards and renewal requirements. The regulations have been forwarded to the Secretary's Office for review. Upon approval by the Secretary and Governor's office, the 60-day comment period will begin. DCJS will notify the industry of any changes.

Regulations Relating to Private Security Services: The Private Security Services Section will establish emergency regulations for locksmiths and open the Notice of Intended Regulatory Action before July 1st for the Regulations Relating to Private Security Services.

Board Discussion: Mr. Armstrong asked how often the regulations are changed. Ms. McGee and Mr. Leon Baker responded that they are reviewed every 4 years, or if there is anything through the general assembly, or when presented with an issue significant enough to have an impact on the industry. Mr. Armstrong asked if all sections of the regulations are opened or just certain line

DraftNotApproved

items. Mr. Baker stated that there is flexibility and a line item could be opened or the entire regulation, if required.

Risk Assessment

The risk assessment serves to evaluate the internal control framework of the Private Security Services Section. This is required of the agency to certify with the Comptrollers Office and Auditor of Public Accounts. The main benefits of the risk assessment are that it will: provide accountability for meeting program objectives, promote operational efficiency, improve the reliability of financial statements, strengthen compliance with laws and regulations, and reduce risk of financial or other asset losses due to fraud, waste or abuse. Staff continues to meet with the internal risk assessment team to review and create a working flow chart of the fiscal process as it relates to the internal operating system. The outcome of this process will be recommendations on how to do better business and ways to streamline the MyLicense program processes.

The implementation of MyLicense is one of the Section's top priorities. The agency has two full time IT staff members working on the conversion of data. Unfortunately, any time the current data base requires any amendments or maintenance; it creates delays to the new system implementation timeline. Once there is a better understanding of the budget climate and the Agency has the ability to establish contracts, part time contractors will be brought on to maintain the current system so the new system can roll out as soon as possible. Previous discussions on ways to change the current Photo ID cards will affect the timeline and the Section needs to keep changes to a minimum. The industry can help through the education of the industry - specifically compliance agents working with their employees to help the application process and limit phone calls to the Section, thus reducing time and expenditures by staff.

Staffing

With the budget reductions currently in place, DCJS will not be able to fill any vacancies at this time. As part of the reorganization, Robbie Robertson has been moved into the field as an investigator. The two positions advertised are currently on hold due to a statewide hiring freeze. This freeze will also delay any hiring to fill the vacant position in Burt Walker's unit with the departure of Ellie Culbertson in February. Until further notice, the budget restrictions in place include hiring, discretionary spending, training, and travel, as well as establishing contracts. Ms. McGee thanked Ellie Culbertson for her service provided to the Private Security Services Section.

Ms. McGee acknowledged the on-going dedication of the staff who continues to push forward and do what needs to be done to meet the goals and responsibilities of this Section. The Section consistently rises up to meet the expectations of the public and provide the mandated services for the continued protection of public safety. The Section will continue to use every creative measure available to be productive. Ms. McGee stated she is very proud of the amount of work and support that this Section continues to provide during the difficult budget climate.

Grading the States Report Card:

Virginia received top honors in its *Grading the States* report card. Every three years the Governing Performance Project spends a full year reviewing all 50 states in four areas – Information, People, Money, and Infrastructure. Each state is graded in these areas and then receives an overall grade. Virginia received an overall grade of A- for its performance in serving the public. Two other states received an A- grade as well, Utah and Washington, and the national average was a B-.

DraftNotApproved

DCJS TODAY

DCJS has issued its quarterly newsletter called DCJS Today. If you wish to subscribe, you may visit the website at www.dcjs.virginia.gov or visit www.dcjs.virginia.gov/newsletter to view the current issue.

Conference

DCJS cannot commit to a conference this year based on the current budget climate. Alternative plans need to be discussed. Since DCJS cannot commit, the conference may need to be an industry supported conference if it is to continue.

The Board has established a sub-committee and there has been discussion on having 4 quarterly mini training sessions. DCJS would like to take the regulations on the road in conjunction with PSSAB meetings if budget restrictions will allow. Ms. McGee stated the conference has been a positive event over the years. It was noted out of 60,000 regulated individuals, and approximately 1,500 licensed businesses, only about 250 individuals attend the conference. The time and effort and expense placed on the agency, as well as the responsibility to solicit sponsors, have been raised as concerns for the last two years.

Ms. McGee stated that if there is a conference, the Section would assist where possible and provide training.

There was discussion about looking into contracting an event coordinator. The cost would depend on what services were asked of the coordinator. The cost could be as little as \$250 but much more if the coordinator operated a turn key operation and handled everything, including the funds. The estimated expense for a conference this year is roughly \$54,000. Of that amount \$41,000 is hotel expenses. The cost of each function will be discussed with the committee.

Board Discussion

Kevin Hodges asked about how much money is raised versus costs for the conference. A total of 53% of the cost is generated through conference registrations fees and 47% through sponsorship. Since the section is short staffed, the agency cannot commit time to the preparation of the conference. The sponsorship of the conference was down compared with the previous year. Mr. Paul Ellis stated the change of sponsorship affected the number of sponsors last year as well as the economy.

Mr. Hodges stated that with the amount of work required, he is concerned that the Board cannot do all the associated work. Mr. Baker stated that it couldn't be just the Board, but possibly assistance from the associations. Joe Maslanka stated that it is a lot of work for attendance that equals less than 1% of the industry. Christopher DiMartino stated that a survey should be sent now to determine the commitment of the industry. Mr. Vanduzee stated that the committee should meet and come up with some alternatives.

Mr. Thomas Turner asked if most people were motivated to attend the conference for the training provided. Ms. Kim Buckner stated that this is a fair statement. Ms. McGee stated that an alternative could be sponsorship of the quarterly meetings with training provided.

DraftNotApproved

Mr. VanDuzee asked that, if the Board were to handle the conference, how the funds would be handled since the Board is not set up to handle funds in any way. Mr. Baker stated that the agency might be able to assist with the processing of the funds for the conference. If the industry decides to have a conference then the Section does not have to ask permission to provide training or support. The difference comes in that DCJS is not hosting or preparing the conference but providing support.

Training

The investigators are also serving as adjunct instructors for in-service Compliance Agent training. This makes training more convenient for the industry in the regions because the investigators are in the areas and allows for a savings in expenses in the budget. The added byproduct is it puts the individual in touch with the field investigator from the agency that handles their location.

Unfinished Business

No unfinished business

New Business

No new business

Board Comments

Kevin Hodges spoke about bill S436 and how it would affect the armed security industry. Mr. Hodges stated that the bill and another one both passed and are waiting for the governor to veto or sign them. The bills are about concealed weapons and affect how a weapon is transported to and from work. Mr. Hodges stated that the armored car industry is expected to report to work armed and without a concealed permit exception, which he expressed is a hardship.

Public Comments

John Kochensparger notified the board about some bills that were stopped in Committee that would have added a \$1.50 tax per month per monitored alarm system. These bills would have been detrimental to the Virginia Burglar Fire Alarm association and its members. The national association discovered the bills first. It cost the association \$50,000 to stop the bills. ADT is paying for the associated expenses. The Bills were S41, S329, and HB1436.

Announcements

Chair Dennis VanDuzee announced that the next quarterly meeting of the PSSAB is scheduled for June 3, 2008 at 10:00.

Adjournment

Christopher DiMartino made a motion to adjourn the meeting. Paul Ellis seconded the motion. The motion carried and the meeting was adjourned.

Public Attendees

Jim Rowe

Ellie Culbertson

George Haudricourt

Jennifer McLamb

Clavin Couch

Harold Hendershot

Raymond P. Turner, Jr.

Jettie Wilson

DraftNotApproved

Landon White
John Kochensparger
James Darrington
Arthur H. Coleman, Jr.

DCJS Attendees

Lisa McGee
Leon Baker
Kim Freiburger
Burt Walker
Kim Buckner
Robbie Robertson
Star Spillman
Holly Manke

DCJS
PSSAB Regulatory Committee Meeting Minutes (Draft)
February 27, 2008 – 10:30
Roanoke College Colket Center – Kime Conference Room

1. Opening – Call to Order at 10:30 AM

2. Introductions

10 persons in attendance

Thomas Turner-PSSAB – Chair, Seth Oginsz-PSSAB, Robbie Robertson-DCJS, Mary Kay Wakefield, Hal Hendershot, Bill McCrory, Tom Kramer, Jettie Wilson, Travis Palmer, Diane Rust

3. Review of PSSAB Procedures for Committees

Chairman Turner reviewed the committee procedures from the PSSAB manual and provided a handout (Section 4, page 10) to each person from PSSAB Manual.

4. Purpose of PSSAB Committees

Chairman Turner reviewed the purpose of PSSAB committees (see bullets below) and encouraged everyone present to take an active role in the discussions.

- A. Gather information and input from industry.
- B. Help PSSAB more efficiently to perform duties of liaison between PSSAB and DCJS by focusing on specific areas in a smaller setting.
- C. Opportunity for industry members to participate in process in diverse geographical areas.
- D. Report back to the PSSAB at each quarterly meeting.

5. Review of Minutes

No minutes were available from the last meeting to review / approve. Chairman Turner kept minutes of today's meeting.

6. Status Report of Regulations

Chairman Turner reviewed the status of the four regulatory programs and encouraged those present to become familiar with the administrative process for regulatory review.

DraftNotApproved

- A. Private Security Services - Opening up for review in near future. Date dependent on current legislation in General Assembly bringing Locksmiths under regulation by DCJS.
- B. Special Conservators of the Peace - Time for a review. Regulations have been in effect for 4 years.
- C. Bail Bondsmen - Last stages – Governor's Office
- D. Bail Enforcement Agents - Executive review

A discussion followed concerning the Administrative Process. Travis Palmer inquired as to how industry members could become more familiar / learn about the administrative process. Robbie Robertson informed folks that the Administrative Process Code is in the PSSAB handbook and could be also found on the Virginia Town Hall and General Assembly websites. It is not on the DCJS website. Turner impressed upon those present that once the administrative process for regulatory review started it was important that industry members give input to DCJS in a timely manner. It was also suggested that input / comments be submitted in writing and that justification for changes / revisions be included to help DCJS properly evaluate the input.

7. Comments and Discussion Items from Industry Members

The meeting was opened up for comments and discussions regarding regulations and other items of concerns. A number of topics were covered with everyone participating.

- A. Travis Palmer asked how many PSSAB members there were and pointed out that there appeared to be a discrepancy in the number on two code sections that he had recently printed from websites. Robbie Robertson clarified membership numbers and made note.
- B. Bill McCrory encouraged everyone to review regulations thoroughly when they are open and give input.
- C. A lively discussion ensued concerning possible fee increases that could accompany new regulations. Discussion centered on how fee increases could put industry businesses at a possible competitive disadvantage as well as increased costs for individual registrants. It was decided that fee increases would be such an enormous / controversial issue that a separate PSSAB Fee committee should be established when the regulations are opened. This would help the Regulatory Committee focus on other aspects of the regulations and not get bogged down in the fee issue to the detriment of other portions of the regulations.
- D. Dianne Rust inquired of which PSSAB committee should non-compliance issues be address. It was explained that specific complaints of non-compliance should be directed through the usual channels directly to DCJS staff. Any general issues concerning non-compliance throughout the industry could be addressed to the PSSAB at quarterly meetings during public comment.
- E. A short discussion ensued concerning how the industry could help the DCJS Private Security Section regarding adequate staffing and funding. Chairman Turner suggested that industry members should contact state delegates / senators when it appears that unfunded or under funded mandates for DCJS may result from passage of pending bills / legislation.
- F. Travis Palmer pointed out that a person with a conviction for assault and battery could buy a handgun in Virginia (with exception of domestic offenses) but not be DCJS registrant. Robbie Robertson explained that the DCJS regulations had to be consistent with state code and that state code section would have to be changed in order for regulations to change.

DraftNotApproved

- G. Mary Kay Wakefield pointed out a discrepancy between two sections in the Private Security Services Regulations concerning enhanced call verification for alarm companies. Section 171-230 #16 concerning businesses specifies the enhanced call verification (2 calls) and is in conflict with Section 171-320 #18 which specifies only one call. This discrepancy needs to be fixed when regulations are opened for review so that 171-320 is consistent with 171-230.
- H. Travis Palmer pointed out that a definition of “combat loading” was needed for shotgun training requirements. (Section 171-380). Also expressed concern that shotgun range qualification requirements of starting the timed qualification with an unloaded shotgun did not reflect real life situations that armed guards encounter and should be reviewed. These issues will be directed to the PSSAB Training Committee. Tom Kramer will be taking this to the training committee meeting on 02/28.
- I. A brief discussion on PSSAB workings came about. Palmer indicated that some folks in the industry have expressed to him that they have the impression that DCJS “controls” PSSAB. That perception is incorrect and if held needed to be corrected. McCrory indicated that some PSSAB members may not be as responsive to their respective industry constituencies concerns as they should be. Seth Orginz explained that PSSAB members are willing but cannot address concerns / issues if industry folks don’t bring them to the attention of the board members. Turner suggested that if someone feels a PSSAB member is not responsive / not fulfilling their duties then that particular concern should be directed to the PSSAB Chairperson.

8. Setting of dates / frequency of future meetings

The committee agreed that regular meetings need to be held and the best time was in the weeks before the PSSAB quarterly meeting. It was also suggested that more frequent meetings will likely be needed when regulations are open for review.

9. Announcements

- A. PSSAB Meeting In Richmond / March 4, 10 AM at Tuckahoe Public Library

10. Adjournment at 12:15 PM